



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

**THE DATE OF ENTRY IS ON
THE COURT'S DOCKET**

The following constitutes the ruling of the court and has the force and effect therein described.

Signed December 3, 2020

Honlin DeWayne Hale
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

PFO GLOBAL, INC., *et al.*

Debtors.

Case No. 17-30355

Chapter 7

(Jointly Administered)

SHAWN K. BROWN, Chapter 7 Trustee,
for the estate of PFO Global, Inc., *et al.*

Plaintiff,

(Adversary No. 19-03012-hdh)

V.

CHARLES POSTERNACK; EDWARD GREENE; EDWARD DEAN BUTLER; JOSEPH B. SCHIMMEL; MATTHEW G. CEVASCO; RUDOLF SUTER; MAHESH SHETTY; TIMOTHY KINNEAR; and BRIGITTE ROUSSEAU,

Defendants.

AGREED SCHEDULING ORDER

1. **Trial Docket Call.** The parties have agreed to a trial docket call date of **December 27, 2021 at 9:00 a.m.** in the Honorable Harlin D. Hale's Courtroom, 1100 Commerce Street, 14th Floor, Courtroom #3, Dallas, Texas 75242.¹
2. **Rule 7026(a) Disclosures.** The disclosures required by Federal Bankruptcy Rule 7026(a) shall be made within sixty (60) days of the entry of the Agreed Scheduling Order.
3. **Fact Discovery.** The parties shall have fact discovery completed by **October 31, 2021.**
4. **Plaintiff's Disclosures of Expert Testimony.** The Plaintiff's disclosures pursuant to Rule 7026(a)(2) shall be served by **November 15, 2021.**
5. **Defendants' Disclosures of Expert Testimony.** The Defendants' disclosures pursuant to Rule 7026(a)(2) shall be served by **January 31, 2022.**
6. **Expert Discovery.** The parties shall have expert discovery completed by **February 14, 2022.**
7. **Objections to Expert Witnesses.** The parties shall file and serve challenges to expert witnesses, i.e. *Daubert* motions, by **February 28, 2022**, and have them heard no later than fourteen (14) days prior to Docket Call, unless the Court in its discretion modifies this deadline.

¹ It is understood that the Parties will seek to extend the Trial Docket Call date in light of the other pre-trial deadlines provided for herein, which extend into 2022. At the time of entry of this *Agreed Scheduling Order*, the Court does not yet have available docket call dates for 2022.

8. **Dispositive Motions.** The parties must file and serve dispositive motions no later than forty-five (45) days prior to Docket Call and have them no later than fourteen (14) days prior to Docket Call, unless the Court in its discretion modifies this deadline.

9. **Mediation.** The parties shall jointly select a mediator and mediate on or before **March 15, 2022**. Within seven (7) days after the mediation, the parties shall jointly prepare and file a written report, which shall be signed by counsel for each party, detailing the date on which the mediation was held, the persons present (including the capacity of any representative), and a statement informing the Court of the effect of their mediation and whether this case has been settled by agreement of the parties.

10. **Joint Pretrial Order.** The parties shall submit to the Court a Joint Pretrial Order in compliance with Local District Court Rule 16.4 seven (7) days prior to Docket Call.

- a. All counsel (or a pro se party) are responsible for preparing the Joint Pretrial Order, which shall contain the following: (a) a summary of the claims and defenses of each party; (b) a statement of stipulated facts; (c) a list of the contested issues of fact; (d) a list of contested issues of law; (e) an estimate of the length of trial; (f) a list of additional matters which would aid in the disposition of the case; and (g) the signature of each attorney (or pro se party).

11. **Proposed Findings of Fact and Conclusions of Law.** The parties shall each file their written proposed Findings of Fact and Conclusions of Law seven (7) days prior to Docket Call.

12. **Trial Briefs.** The parties shall each file their trial briefs addressing contested issues of law seven (7) days prior to Docket Call.

13. **Witness and Exhibit Lists.** The parties shall file and exchange their witness and exhibit lists, except for impeachment documents, fourteen days (14) prior to Docket Call.

a. Each exhibit shall be marked with an exhibit label. All exhibits not objected to in writing by the Docket Call shall be admitted into evidence at trial without further proof, except for objections to relevance. Written objections to exhibits will be taken up either at the beginning or during the course of the actual trial or at any pretrial conference.

14. The parties are authorized to modify any of the discovery deadlines hereinabove provided that such modification is agreed to in writing.

15. Pursuant to Fed. R. Civ. P. 5(b)(2)(E), made applicable by Bankruptcy Rule 7005, the parties consent to accepting electronic service of discovery papers via email.

##END OF ORDER##

Submitted by:

/s/ Chad P. Pugatch

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